

FRIDAY, FEBRUARY 19, 1836.

TRIAL OF GEORGE WALTON.

Held at the Supreme Judicial Court, now sitting at Dedham. Present: Chief Justice SHAW, and Justices PIERCE and MORTON.

WALTON (alias Burley Grove, Pierce, York,)—whose real name is supposed to be Allen,—has been twice indicted for robbing Mr. Jabez Boyden, on Saturday evening, Dec. 21, 1833, on the highway, on the Norfolk and Bristol turnpike, in Roxbury, Walton being, at the time of committing said robbery, armed with a pistol, which circumstance, by the statute of 1818, renders his offence punishable by death. The reason why he was not put on trial at an earlier period, is, that about eighteen days after the robbery, he also attacked Messrs. Payson and Fenno, on the Salem turnpike, in Chelsea, and actually fired upon and wounded Mr. Fenno, but did not rob him. After he was arrested for this offence, Mr. Boyden, who had in the meantime implicated, and caused the arrest of another person for the robbery committed on him, but who was discharged, appeared before the Boston Police Court, and complained of Walton, as the real robber. Walton was convicted and committed to the State Prison, for the assault with intent to rob Mr. Fenno, but soon after effected his escape from confinement, and was of course not forthcoming to answer to the indictment found by the Grand Jury of Norfolk, for the prior robbery of Mr. Boyden. After being gone on a marauding campaign to the Canadas, Walton returned to Boston, on a stolen horse, in the month of March last, and was re-captured in Cambridge street, by Messrs. Nichols and Ayres, officers of the State Prison. After his re-capture, the Grand Jury found a new bill, substantially the same as the first, upon which he had never been arraigned. He had only been four days out of the State Prison, when Mr. Boyden was robbed.

The trial commenced on Tuesday morning, after the court was opened by prayer, by the Rev Mr. Lumsden.

Harriet Mann and Ira Cleveland, Esqrs. were assigned as Counsel for the prisoner, and the prosecution, in the accidental absence of Pliny Merrick, Esq., the District Attorney, was conducted solely by the Attorney General, J. T. Austin, Esq.

The first witness called was the gentleman robbed—JABEZ BOYDEN.—About sundown, on Saturday evening, December 21, 1833, as I was returning from Boston, about a mile and a half from Roxbury street, on the Norfolk and Bristol turnpike, near the foot of Brigham's Hill, in an open wagon, alone, some one seized hold of the hind end of my wagon, and I thought he requested me to let him ride—I slackened the horse, to see who it was—as I looked round, the person left the hind part of the wagon, and passed round forward, and presented a pistol, and said—"Your life or your money." I remarked, that I had nothing for him, thinking it might not be a reality. He made a second demand—"Give me your pocket book." I then thought, as the pistol was pointed near me, I could seize hold of it, and turn it one side, so that he could not hit me, if he fired. I had a mind to do it; but I then saw a man ahead, and thinking he might be an accomplice, I gave up the idea of resistance, and remarked that he might have what I had got. I then went to work to get out my wallet, but as I was bundled up and it was rather cold, I could not get at it readily, and put my hand in the wrong pocket, when, occasioned some delay, and he said—"If you don't quick I'll fire." I gave up the wallet to him, after the third demand. It contained about \$60 in good bills, and one counterfeit \$2 bill, and some notes. The other man came up, after I delivered the wallet, and passed off, but did not speak to us. The robber remained standing on the same ground till I had got a considerable distance—I looked back once or twice—I then went to the laboratory house, at the distance of a mile and a half—it was the first house I came to—and got a man to go with me back into Roxbury street, in pursuit, went to Boston in a horse and chaise—went to the jail office. I think the prisoner at the bar to be the man that took my wallet—I have no doubt at all on my mind—I first saw him the day after he was taken on Payson and Fenno's case. I identified him at that time.

When he attacked me he had a cloak on, and I think a cap—the collar of his cloak turned up. I saw the middle of his face—saw his eyes very plain—I saw him in the cell. I recognized his general features—when conversing with him, the second time I saw him afterwards, I noticed his voice. I never had spoken to him till this second time—it was more than ten days after the robbery—when he made his first demand on me in the road, there was a little trembling in his voice, and at the first of my conversation with him I noticed the same trembling—most certainly I did recognize his voice as being the voice of the man who robbed me. In his cell I had a conversation of a few minutes—at the first of it he was a little disconcerted. The pistol was a large one—larger than a common horseman's pistol, with a percussion lock.

I have seen another man that I suspected was the man; but now I have no doubt the prisoner is the man—the reason I suspected another man, was this—it was the next morning that I suspected the other man—the night of the robbery, I got constable Pierce and another man to go round from tavern to tavern, to see if we could find the robber—when we went round as long as we could find any tavern open. It was then agreed that the officers should call at the taverns again in the morning, and I was to look after the Providence stage. I did get into a Providence stage in Roxbury street, about 9 o'clock the next morning; and when I got in, I saw a man in, with a cloak on, whom I thought very much resembled the man who attacked me.—Perhaps it was only my imagination, but when we came to travel over the same ground where I was stopped, I thought the man appeared rather nervous—he appeared very uneasy—I did not see him have any arms—I wished to have him examined, and when we came to Dedham, I called on Sheriff Haker, and we went on to Walpole and arrested him—he was brought back here—his name was Macdonald—he was a Pennsylvanian, but had been residing in Cambridge.

Macdonald brought evidence to show that he was in another place—his evidence not being arrested him if he had not managed in such a way as to strengthen the suspicion—there was consultation between Mr. Baker and myself to arrest him, on account of his appearance—when he was first charged with the thing, he said that if we were in any part of the country he would settle it with me very quick—he objected to having his track brought down. At the time of his arrest, I did not know any thing about his being armed—I never felt any confidence that Macdonald was the man—I was not positive—I mean to say upon my oath, that I took him to be the man—I had suspicions of Macdonald, but I could give very much on the result of the investigation on his mind.

Cross-examined.—I had suspicion of Macdonald when I arrested him—I cannot say that I believed him to be the man, when I arrested him—I do not know that I have ever given a very definite description of the pistol—I may have given an indefinite description of it—I don't know that I have ever given a description that contradicts the description I have given here. [The

witness was here examined with extreme minuteness as to the extent of his belief that Macdonald was the man who robbed him, and what his previous statements upon that point had been—also with respect to the robber's dress.] I observed the robber's eyes more particularly—I got into the Providence stage at Fisher's tavern—and there I met Macdonald in the stage. Seeing the man ahead, whom I thought might be an accomplice, settled my mind to let him have the money—the man passed by us without speaking—I don't remember saying to Col. Stowe, that I had seen the man that robbed me—I might have said so.

Two warrants were issued at the time—one by Squire Worthington here, and another by Mr. Clapp, of Walpole—Macdonald was arrested at Walpole—I think the prisoner resembles Macdonald in his general appearance, voice, and eyes—the warrant was all made out before I got back to Dedham—I did not attend particularly to the form of the complaint—I presumed it was in the common form for having an investigation of that kind. [In this stage, Mr. Mann read the complaint, in which Mr. Boyden, under oath, charged Macdonald with the robbery.]

In answer to Mr. Austin.—I have no doubt the prisoner is the man who robbed me.

In answer to Mr. Mann.—I don't recollect that I said that Macdonald was the man.

2.—John Mitchell.—[the person whom Mr. Boyden suspected of being the robber's accomplice.]—I observed the wagon first as it began to descend Brigham's Hill—it appeared to me then that there were two men in it—it did not notice any thing particular till I saw it stop at the bottom of the hill—then I observed one man sitting in the wagon, and one man standing by the side of it—I never saw either of them before—don't know what they were doing—the wagon standing still when I passed—I was on foot—the man stepped back, and I passed between him and the wagon—I thought there was something singular in their appearance—I kept on towards Roxbury—the man who stood by the side of the wagon passed me soon—he came up on the run, and spoke to me—said "a pleasant evening." He walked a few steps, till he got past me, and then he ran—I lost sight of him at the turn of the road, and don't know what became of him—he had a cloak on—can't say what he had on his head—a tall looking young man—I don't know that the prisoner is the man.

3.—William C. Atwell.—In Dec. 1833, kept in Mr. Simond's livery stable, in North Russell street, Boston—I think the prisoner has been at the stable—his complexion has changed—the man I saw at the Police Court, at the time of Fenno's robbery, was the man who got a horse at our stable on the afternoon, on the evening of which Mr. Boyden was robbed—I saddled and bridled the horse—the horse was called the *Harriet Mare*—he wanted the horse to go to Brighton, to see about some cattle—he had the same horse a number of times—two or three times between the robberies of Mr. Boyden and Mr. Fenno, on the 9th of January 1834—he had him that day—he wore different dresses at different days.

4.—John Simonds.—keeps the livery stable referred to by Atwell—the prisoner used to get the horse in the latter part of December, and up to January 9—gave his name *Burley Grove*—he sometimes wore a cloak with a standing collar, and a cap—brownish cast—clothes—sometimes wore a hat, &c. The prisoner is the man that had my horse—O, mussy, I've no doubt about him—I'm perfectly sure he had on a cap on the 21st of December—he always used the horse well, I'll say that for him—I took the pay for the horse when he came back—it seems in my mind that it was between 7 and 8 o'clock.

5.—George W. Edmunds.—had seen the prisoner get the horse from the stable three or four times—the first time on the 21st of December, and the last time on the 9th of January.—On the 9th he had on a blue cambric cloak, with standing collar, and no cape, and was pretty confident he had on the same dress on the 21st.

6.—Ethredge Cutting.—[a young man who became acquainted with Walton in the State Prison, but had been pardoned and restored to his oath on account of his having exhibited evidence of real reform.]—I came out of prison three months before Walton—about the 18th of December, he called on me, and inquired how I did, and said he was glad to see me doing what I was at work on chairs—he then asked me "if I had done any thing." [The Attorney General proposed that the witness should translate the mysterious italicized sentence into English, and the Court thought it had any peculiar meaning, that it ought to be so rendered into English. Mr. Mann said he would not object, provided that the phrase was translated by a sworn interpreter, like any other expression from a foreign language. The witness however resumed—

The jury will understand, perhaps, what the prisoner meant, by my answer to him—I said to him, "I've not done any thing, neither do I intend to." He said he had an offer of employment, but he thought he could do better—nine or ten days afterwards he came again on a horse, that he said he got of Mr. Simonds—I had a check on the Brighton Bank and was going to collect it—he walked along by my side, leading his horse—he spoke of different individuals who had committed different crimes—such as passing counterfeit money, breaking open stores, and stealing horses—he said he should do nothing, but go the whole hog; for he'd a d—d sight rather have his neck broke than go over to Charlestown again.

He asked me if I had heard of the robbery committed on the Dedham turnpike—I replied that I had not—he then stated that a man had been robbed of \$60 or \$70 a short time since—he said all that there was to do, was to present the pistol, and take the money—there was no trouble about that—he asked me how much my check was for—I said \$78—he then took out his wallet, and showed me a roll of bills, and he had got nearly as much as that himself—he did not say where it came from—I advised him to go to work and be steady—he looked at me, and said—"You wouldn't make chairs if it wasn't for money—ministers wouldn't preach if it wasn't for money, and I wouldn't ride about on horseback if it wasn't for money." The next time I saw him, perhaps a week afterwards, he showed me a counterfeit bill of the Oriental Bank—he did not tell how he came by it.

Cross-examined.—I think I told my mother first about what Walton said to me, and then my brothers—they inquired who he was, when he called to see me—it would be impossible for me to tell all whom I told of his declaration—I told Mr. Lincoln, the Warden of the State Prison. When he took out the roll of bills, he said he had as much money as me, though he had done no work.

7.—Gilson Welles.—an officer in the State Prison—after Walton left the prison found 2 letters done up with some tobacco in a meal box in a barn on the prison wharf, but could not identify them as being in Walton's hand writing.

8.—Charles Lincoln, jr.—Warden of the State Prison—is not acquainted with Walton's hand writing, and cannot therefore fix the intercepted letter upon him. Saw Walton in Boston jail—he first denied that he had been in the State Prison, either in Charlestown or in Maine—I had some conversation respecting his station—asked him why he did not leave this part of the country—he said he had not the means to get away—I told him I had furnished him with enough to carry him as far as Providence at least—I paid him \$12.50, I cannot recollect what he said about this case, particularly.

9.—Thomas Stephenson—keeper of the Boston Jail—had never seen Walton write, and therefore could not identify the handwriting of the letters found by Mr. Welles.

10.—Samuel Ayres—an officer of the State Prison—Walton was discharged on the 17th of December, 1833. On the Tuesday and Sunday following saw him—On the 29th, had a talk with him at the head of Water street, in Charlestown. I asked him what he

had been doing—he said he could have "ed work at Mr. Hossea's, at that time, but he had a number of debts due to him, that he wanted to collect; and that in one instance he had been so lucky as to collect \$60. He said he meant to go South in the Spring, or he could settle up his business. He said his boarding house was in the rear of 33 Prince street, with a Mrs. Walcott—He had changed his dress, &c.

11.—Lancel Tisdale, jr.—On the 25th of December, rode outside on a stage to Stockton, in company with a man, who openly and boldly owned he had been in the State Prison—he resembled the prisoner—had on a cloth cap, cloth cloak, with braided strings in front of it. I shall not dispute that the prisoner is the man.

Mr. Austin here proposed to put Mr. Fenno, whom Walton wounded with a pistol, on the night of Jan. 9, 1834, to show how he "collected his debts," particularly "the debt of sixty dollars," which he spoke of to Mr. Ayres. He could also prove by Mr. Fenno, that Walton carried his pistol loaded.

The Court, however, remarked, it seems to us, that the evidence is inadmissible for either of the purposes intended.

Mr. Austin then observed that he could go no further with evidence for the prosecution, on account of the absence of a witness who was supposed to be able to identify the intercepted letters, and the Court thereupon adjourned.

Wednesday, February 17.

12.—Isaac A. Coolidge, under-keeper of the Boston Jail—Knew Walton, but never saw him write—Walton, while in jail, would tell me that he wanted to write out to his friends—I either gave him, or sent to him, materials to write on—I have some of the writing I took from him—I cannot say certain that I took it from him, or whether it was handed to me from him—I used to examine all letters passing out of the prison. [The two letters intercepted at the State Prison were here shown to Mr. Coolidge, and he said—"I should think the hand-writing is the same as that of the piece of paper I have got—it is my belief that it is."]

Mr. Mann opposed the reading of the papers, because the witness could not swear of his own knowledge to the hand writing of the prisoner.

Mr. Austin replied that as a matter of course, and a part of his duty, he had seen writing, which Walton expressly acknowledged to be his, by various circumstances.

The Court were of opinion that there was sufficient *prima facie* evidence to allow the papers to go to the jury, who were the judges of the weight of Mr. Coolidge's opinion, from his means of knowing, so far as appeared from his own testimony.

The two letters were then read, and it appeared they contained various obscure and mysterious allusions to sundry celebrated felons, both then and formerly inmates of the State Prison. One was addressed to "Mr. R." and one to "Mr. Young." In the last the writer speaks of having seen a former convict—the witness No. 6—and found him at work at home, steady, &c. He says, too—"I'm well, and have had good luck, and got more money. I drink plenty of wine and cider, and eat every thing I can get hold of." This letter was signed *Burley Grove*, and the other *York*.

13.—Mr. Lincoln, the Warden, was called to explain the initials and blanks in the letters, so as to make them intelligible. Mark Winslow, the deceased convict counterfeiter, was referred to in the letters.

14.—Mr. Ayres, was recalled—Sometimes when Walton spoke, he was a little agitated upon first speaking.

THE DEFENCE.

The chief, and really strong point in the defence of Walton, was the singular fact, that on the morning after the robbery—Sunday morning—Mr. Boyden caused to be arrested, on suspicion, a young gentleman whom he saw in the Providence stage. The young gentleman's name was *Zantinger Macdonald*, a law student at Cambridge, in the junior class. He had already graduated at Jefferson College, and belonged to —, in Western Pennsylvania, and was 19 years of age.—Mr. Macdonald, when examined before Justice Worthington in Dedham, on Sunday evening, proved by some friends that he had spent the evening with them at the Tremont House in Boston. Witnesses were accordingly introduced to prove what statements and testimony Mr. Boyden had given against Mr. Macdonald.—

1.—William Stone—was at that time turnkey of Dedham jail—the morning after Mr. Boyden was robbed, I saw him opposite Capt. Alden's Hotel—he said he believed he had rode up in the stage with the man that had robbed him. Somebody asked him why he did not stop the man—Mr. Boyden said he wished somebody would—he said he "believed he was the man, for he appeared different from what an honest man would, and that he looked just like the man. I think he is the man, and I have no doubt he is the man." In the evening, Macdonald was in my custody an hour—alone in a room—he did not look like the prisoner at the bar—his eyes were black, and his hair black, and very curly—his face was thin, features long, forehead rather large, red blooded, he was but 19—quite a thin man, and looked rather tall, on account of his slenderness, &c.

2.—Mr. Sheriff Baker—Mr. Boyden was very zealous that we should follow the stage—I rather hesitated—he was very confident the man was in the stage—we overlooked the stage at Walpole, at Mr. Morse's Tavern—I stated to the man Mr. Boyden's suspicions—the man resented it very much, and inquired Mr. Boyden's name, and said if he was in some place, he would stop to ask his name—he was very angry—he acted in such a manner, that I thought, and others thought, that he ought to be pursued further—I thought he did not believe as he ought to if innocent.—We got a warrant from Harry Clapp. The man finally concluded it would be better for him to have an examination—was examined at Dedham—Mr. Boyden said the man while in the stage held his head down, and tried to obscure it—he was satisfied, that he was the man from his voice and general appearance. The man proved an *alibi* by witnesses from Boston. After the examination, Boyden said he was not satisfied with the result—he did not believe the witnesses from Boston. The man did not look like Walton—had black eyes and hair, and high cheek bones—was slim.

3.—Mr. Clark—of Roxbury—saw Boyden on the evening of the robbery—he was much agitated—witness was examined at great length as to the locations of several places near the scene of the robbery. The Roxbury House, where Mr. Boyden testified to being a mile and a half from it, was but half a mile.

4.—Mr. Justice Richardson—assisted at the examination of Macdonald—Mr. Boyden stated that he believed Macdonald was the man who had robbed him. He said the robber had a dark cloak, with the collar standing up on both sides of his cheeks, and his cap down over his forehead, so that he could see but little of his face—only his eyes and part of his nose. I desired Macdonald to adjust his cloak and cap, according to Mr. Boyden's description; he did so—the top of his cloak came up to the bottom of the line of his nose—Boyden then said, that Macdonald appeared like the robber, and he was pretty well satisfied that he was the man. His evidence was such that I thought it would have been proper to have committed Macdonald, if he had not brought evidence to the contrary. Mr. Macdonald stated who he was, and upon looking at a Harvard College Catalogue, I found every thing he stated about his being a student in the law school true. I thought it best, however, that he should bring his witnesses to prove an *alibi*. I was acquainted with Mr. Bigelow, one of the witnesses, and his family.

5.—Mr. Ford—was present at the examination of Macdonald—Mr. Boyden rather reluctantly said the man charged was the man; he was quite reluctant about that, but he did say it. He was asked if he had any doubts about it—he replied he had not, I remember distinctly that that question was put. At first, he did not answer directly that Macdonald was the man—he would say I think, &c. Finally he was told that it was essential, that he should identify the man, to hold him, and he was asked—"Have you any doubt?" He answered—that he had no doubt.

5.—*Elbridge Gerry Austin*—was counsel for Walton at the original examination, in Boston 2 years ago—took minutes of parts of the testimony—Boyden would not undertake to swear positively that Walton was the man—he spoke from the general appearance, and the appearance of his eyes—he said the eyes look so much alike, that I think him to be the man; he said I think I see the same expression of eye. They put a cloak and cap on to Walton, but Boyden could not swear positively to him. He said the pistol was a large size pocket-pistol—he said that when he first saw the man whom he supposed to be an accomplice, he was 100 rods off. [In the present trial, Mr. Boyden stated the distance to be about 12 rods.]

Mr. Austin was recalled by the Attorney-General—I knew Macdonald well; his voice was very much like Walton's, and his size about the same, but his face did not resemble Walton's in the least—the face was perfectly different.

Mr. Cleveland made an elaborate and eloquent opening argument in the defence, and Mr. Mann closed in a general argument; but the great points in the defence were equally pressed by both of the learned gentlemen. They conjured the jury, if possible, to separate the cloud of infancy which surrounded the prisoner, from the case which they were sworn to try. The circumstances, that Mr. Boyden had once been entirely mistaken after swearing to one individual, was dwelt upon at great length, and presented in every possible aspect. If Macdonald, it was said, had not been able, by a lucky accident, to have accounted for himself, by respectable witnesses, during that particular hour, in which the crime was committed, then the indictment must have been against him, instead of Walton, and he must have been led to the gallows; for in his defence, counsel could not argue, as in this case, upon a previous mistake. It was contended that Mr. Boyden was too much agitated, and in too great a state of trepidation, to be able to distinguish any body at the time; and it was asked, if a man was to be hanged merely for the expression of his eye, or the sound of his voice, after swearing three times, that Macdonald was the man who robbed him, he now came and swore it was Walton, with more certainty than he originally swore when he first appeared against him two years ago.

Mr. Austin, in closing for the Government, made a strong point, that the prisoner did not attempt to show where he was, especially as he had a horse with him, if he were in any other place than where the robbery was committed. This was the great distinction between his case and Macdonald's. Why did he not call A, B, or C, who must have seen him with his horse, that evening? Instead of calling these witnesses, he hides his movements on that night in impenetrable secrecy; and he folds his arms, and relies upon the incredulity of the jury, or the ingenuity of his counsel. If he collected a debt of \$60, why did he not bring the man who paid it to him? What did he mean by collecting his debts? Who owed him? What did he mean, but that he would collect from the public what they owed him for his two years labor in the State Prison?

As soon as the court was organized this morning, the Chief Justice inquired of Walton, if he wished to say anything to the jury in addition to what had already been advanced in his behalf by his counsel. Walton then rose, and said, in a clear and collected voice—"I believe, your honor, all that can be done has been done on the part of my counsel; but the fact is, I have not had any opportunity to prepare for a defence. I was not arrested for this offence, but for another for which I was sent to the State Prison, and have been kept there or in jail ever since. I had no opportunity, as Mr. Macdonald had, to bring evidence to show where I was when Mr. Boyden was robbed. Since that time I have been in close confinement, and could not bring witnesses to prove what took place two years ago. Is there a man on the jury that recollects where he was on the evening of the 21st of December? As I have said, I have been locked up in jail, and had only five days notice of the present trial. If I had had an opportunity to have got witnesses, I could have shown where I had accumulated debts—debts due me before I went to the State Prison for two years. I could have shown how I came by my clothes, which it has been reported that I bought with the money stolen from Mr. Boyden; but the witnesses in this trial say I had different kinds of clothes before that robbery. It is said I did not show who owed me, or who paid me any thing. Of course I did not think any thing about that. I could not have known that Mr. Ayres was to come forward and testify about my collecting a debt of \$60—that was kept secret from me. I did not think he was to be called as a witness against me. I could have brought a witness to show that I did collect that money. But it is no use for me to add anything more. If I am convicted I have only to declare my innocence, and shall do it to the last."

As soon as Walton resumed his seat, Chief Justice Shaw commenced his charge to the jury, which occupied about two hours. His Honor recapitulated the evidence, and laid down the law applicable to it, but as we believe there is no difference of opinion respecting the law, as to the offence charged, we do not conceive it to be necessary to notice it at length.

The case was committed to the jury, at a quarter past 11 yesterday forenoon, but they had not returned a verdict at two.

The attempted Bribery.—The Bank whigs were too quick in terming the attempt to bribe Colonel Krebs, a "jest"—"bribing in jest." Mr. Conrad has settled that question by declaring explicitly that the proposition was seriously meant. Mr. Fallerton, a whig senator who votes with the Bank party, avowed his belief in the Senate that there was no jest in the affair, and sincerely hoped that it might be an individual case! He, for one, planted his foot in firm resistance, and would not proceed in passing the Bank Bill until the matter was thoroughly investigated! Does this look like jest?

The Mercantile Journal refuses to tell us when "a Rutledge" presided over the Supreme Court of the United States, as stated in that paper of Tuesday—and says it is easier to ask, than to answer, such questions. We admit it would be difficult to tell when "a Rutledge" was at the head of the Bench of the Supreme Court—but it would be easy enough to say that no man by that name ever held the office.

A subscription list is now open for the intended Gymnasium, and those who wish can have an opportunity of subscribing, by calling upon Mr. Sheridan at his room, No 6 Haskins's Building, opposite the head of Hanover street.

Another unfortunate woman, by the name of Rosamond, has made some "awful disclosures" about Priests and Nunneries, which are soon to be published by Leavitt & Lord, New York, in a volume of 300 pages, with engravings!

It has been decided in the Supreme Court that a strike or combination on the part of workmen to raise their wages, merely by refusing to work, was not unlawful.

An interesting letter from our Correspondent at Malta is upon the First Page.

MASSACHUSETTS LEGISLATURE.

Thursday, Feb. 18.—In the Senate. The resolve providing for an amendment of the Constitution was considered. The question was taken by yeas and nays and decided in the affirmative, 32 to 5.

The bill to increase the capital stock of the Boston and Lowell Railroad was again taken up to-day.

Mr. Parker withdrew his amendment and offered another in lieu, which he said was so far modified as to meet the views and objections of members who have spoken upon the subject. The amendment was ordered to be printed.

In the House.—Petitions of Andrew Robinson and others, for incorporation to build a Rail Road from Fall River to New Bedford—of Henry Rice and others for incorporation for the purpose of manufacturing Silk, and Silk and Cotton goods, read and referred.

In the orders of the day, the bill to regulate the assignment and distribution of the property of insolvent debtors was taken up and considered.

The subject elicited considerable discussion, in which Messrs. Wolcott of Fitchburg, Brigham, and Simmons took part. The bill was on motion of Mr. Blake, laid upon the table.

THE DEMOCRATIC MEETING AT FANEUIL HALL.

Last evening, was very fully attended, and the least spirit animated the immense assembly. We shall publish the official account of the proceedings to-morrow. Resolutions were passed approving of the nominations of Messrs. VAN BUREN and JOHNSON, breathing the highest spirit of patriotism. Messrs. Abel Cushing and Seth Whitmarsh of the Senate, addressed the meeting, followed by Messrs. S. J. Thomas, C. G. Greene, Amasa Walker, and B. F. Hallett of Boston.

Miss M. Bride.—We have received a communication from "W." speaking in high terms of this young lady as a *danseuse*, and as an actress whose professional and private character are alike honorable to her. We agree, fully, with "W." in his opinion, and hope that she may receive that favorable encouragement from the public to which her merits so well entitle her. She has been upon the stage a number of years, where she has discharged her arduous duties with continued improvement, until she has arrived at a high degree of excellence.

En Passant.—Is it not rather *outré* for a gentleman at Atmak's to sit with one of his feet upon a sofa in the ball room?

We have concluded to sell the Lion Theatre in Washington street, and to erect another one upon the Mansion House estate in Milk street. The work will be immediately commenced. We shall keep the present establishment open until the close of the season, when it will be given up, and next fall commence the Milk street concern in great snuff.

Master C. H. Saunders is to make his first appearance this evening at the Warren Theatre, as *Carwin*, in *Theresa*, for the benefit of Mrs. Nelson.

Do tell me, Mr. Editor, what all this row-de-dow means about *assassinating* a Dr. Williams, who is at the Bromfield House doctoring sore eyes? Is there anything in it, or is it merely humbug, to excite remark, like an advertisement headed "Caution," which appeared in the papers a day or two since.

WINKER.

We must refer "Winker" to the Doctor, who will willingly gratify his curiosity.

There might have been some fun in sleigh rides this winter, if the weather had n't been so unmercifully cold—but such is its severity that people are afraid to venture out of the light of a Lehigh fire—consequently the principal amusement of the *haut ton*, since November, has been *puiss in the corner*.

The neglect of the Gazette obliges us to call the attention of the public to the entertainments at the N. E. Museum. Mr. Harrington's ventriloquism, and magical tricks, are worthy of attention.

The U. S. Telegraph is very unhappy because the Abolition question cannot be kept alive in Congress—it is the list straw to which the Nulles can cling.

Wisconsin.—This large tract of land is to be constructed into a Territory. A bill for the purpose is now before the Senate.

Last Wednesday evening, during the alarm of fire, the horses attached to a hack standing alone in the Square at Charlestown, whilst the driver was carrying a gentleman's trunk into the house, took fright from the passage of an engine, ran away, and knocked down in the Square, two gentlemen, one of whom was seriously injured. In their course, they passed over the ruins of the late fire, turning six corners, crossed over the old Bridge, pursued their way through Prince street, and were not brought up until they reached Commercial street, and were on the verge of dashing overboard. Notwithstanding the long route they passed over, they did not upset the coach, nor receive any injury, nor do any other damage than the above recorded.—*Transcript*.

Narrow Escape.—A hack, in which was a lady sixty-five years old, was left by the driver this morning unattended, at the South End. The horses were frightened and ran. The coach upset and was dragged from above Boylston Hall as far as Faneuil Hall where it was stopped.

The lady was taken out, apparently not much injured, but so much frightened that she did not speak for some time.—*Trans.*

Serious Accident.—An elderly woman was run over by two truck horses, driven most furiously, on Tuesday last, at the crossing of Blackstone, in Hanover street. Her collar bone was broken; and her situation is considered dangerous.—*Courier*.

The Southern Mail arrived at half past 10 o'clock last evening. The proceedings of Congress on Monday were unimportant. The New Orleans Bulletin of Feb. 24, contains a public declaration of the Independence of Texas, signed by a large number of Americans.

SHIP NEWS.

NEW YORK, Feb. 16.—Arr. Christoval Golon, Smith, Havana, 18 days; Tussock, Post, Mobile 4 Niles, Wilmington, N. C.; Victor, Porter, Falmouth, Jan 5; Thetis, St. Croix, B. E.; Joy, St. Thomas.

City St. Thomas, Fowler, St. Thomas; Tiber, Oliver, Havre; Dever, Locke, Liverpool, N. S. Sailed Columbus, Liverpool; Hevre, Havre; Josephine, Belist.

At Havana, Jan 29, barks Barling Brothers, and Morea, from Boston; Pamelia, for Boston.

SPOKEN.

Feb. 10, lat. 33, lon. 73.55, brig Pataspco, fm Boston for Baltimore.

MARRIED.

In this city, by Rev Mr. Adams, Mr. Victor Balch, to Mrs. Eliza W. Sanders.

At Roxbury, by Rev Mr. Putnam, Mr. Galen Bowditch to Miss Susan Childs.

DIED.

In this city, on Monday evening, Samuel S., son of Mr. John Bal, 15 months.

On Wednesday, Mrs. Harriet D., wife of Mr. Rufus Ellis, 50.

At South Boston, Wednesday morning, Mr. Wm. Thompson, 45.

At Jacksonville, Illinois, Mr. H. N. Smith, painter, formerly of Boston, 28.

